

**SUBMITTAL TO THE BOARD OF COMMISSIONERS OF THE
HOUSING AUTHORITY
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

335



FROM: Housing Authority

SUBMITTAL DATE:
June 14, 2012

SUBJECT: First Amendment to Disposition and Development Agreement

RECOMMENDED MOTION: That the Board of Commissioners:

1. Approve the attached First Amendment to Disposition and Development Agreement;
2. Authorize the Chairman of the Board of Commissioners to execute said attached First Amendment; and
3. Authorize the Executive Director or designee to take all necessary steps to implement the First Amendment including, but not limited to, signing subsequent necessary and relevant documents subject to County Counsel.

BACKGROUND: (Commences on Page 2)

Robert Field
Executive Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: Yes

SOURCE OF FUNDS: Redevelopment Property Tax Trust Funds	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
BY:
Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE HOUSING AUTHORITY BOARD OF COMMISSIONERS

On motion of Commissioner Buster, seconded by Commissioner Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone and Ashley
Nays: None
Absent: Tavaglione and Benoit
Date: June 26, 2012
xc: Housing Authority, RDA

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

(Comp. Item 4.1)

Prev. Agn. Ref.: 10.1 of 05/10/2011 **District:** 2/2 **Agenda Number:** 10.1

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL
BY:
ANITA C. WILLIS
DATE: 6/14/12
Deputy Concurrence

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

BACKGROUND:

On May 10, 2011, the Board of Commissioners approved a Disposition and Development Agreement between the Redevelopment Agency for the County of Riverside and the Housing Authority of the County of Riverside, a United States Department of Housing and Urban Development (HUD) certified public housing agency, for the infill development and construction of a new single-family home located at 5580 Molino Way, Jurupa Valley, CA 92509 with Assessor Parcel Number 181-082-050. The home is reserved for a qualified low- or moderate-income household that is a first-time homebuyer.

Resolution No. 2012-034, adopted by the County of Riverside Board of Supervisors on January 10, 2012, provides that the Riverside County Economic Development Agency is the successor in interest to the Redevelopment Agency for the County of Riverside.

Pursuant to the Disposition and Development Agreement, the project is subject to State prevailing wages. Under Title 24, Code of Federal Regulations 965.101(a), public housing agencies are exempt from State prevailing wage requirements and are subject to Davis-Bacon Act wage rate requirements. Due to this federal regulation, the Housing Authority wishes to amend the agreement and replace State prevailing wage requirements with Davis-Bacon Act wage requirements pursuant to Title 24, Code of Federal Regulations 965.101(a).

County counsel has reviewed the First Amendment to Disposition and Development Agreement and has approved as to form. Staff recommends that the Board of Supervisors approve the First Amendment to Disposition and Development Agreement.

Attachment: First Amendment to Disposition and Development Agreement

No Fee for Recording Pursuant to
6103 Government Code

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Redevelopment Agency
for the County of Riverside
3403 10th Street, Suite 500
Riverside, CA 92501
Attn: Mervyn Manalo

SPACE ABOVE THIS LINE FOR RECORDERS USE

**FIRST AMENDMENT TO
DISPOSITION AND DEVELOPMENT AGREEMENT**

This First Amendment to Disposition and Development Agreement ("First Amendment") is made and entered into this 20th day of June, 2012 by and between the COUNTY OF RIVERSIDE ("COUNTY"), a political subdivision of the State of California, through its RIVERSIDE COUNTY ECONOMIC DEVELOPMENT AGENCY ("EDA"), successor in interest to the Redevelopment Agency for the County of Riverside ("RDA"), and the HOUSING AUTHORITY OF THE COUNTY OF RIVERSIDE ("DEVELOPER"), a public body, corporate and politic of the State of California. COUNTY, EDA and DEVELOPER are collectively referred to as the "Parties".

Capitalized terms not defined herein shall have the meaning ascribed to them in that certain Disposition and Development Agreement (the "DDA"), dated May 10, 2011, prior to the enactment of ABx1 26, the Assembly Bill dissolving redevelopment agencies that was signed by Governor Brown as of June 29, 2011. The DDA was recorded on September 28, 2011, as Instrument No. 2011-0429589 in the Official Records of Riverside County.

WITNESSETH:

WHEREAS, RDA and DEVELOPER entered into the DDA for the development and construction of a new single-family home located at 5580 Molino Way, Jurupa Valley, CA 92509 with Assessor Parcel Number 181-082-050 for sale to a Qualified

JUN 26 2012 10.1

1 Homebuyer (the "Project"); and

2 WHEREAS, Resolution No. 2012-034, adopted by the County of Riverside
3 Board of Supervisors on January 10, 2012, provides that EDA is the successor in
4 interest to the Redevelopment Agency for the County of Riverside; and

5 WHEREAS, the Project is required to be constructed in compliance with State
6 prevailing wages; and

7 WHEREAS, DEVELOPER is a United States Department of Housing and Urban
8 Development ("HUD") certified public housing agency ("PHA"); and

9 WHEREAS, under Title 24, Code of Federal Regulations 965.101(a), a
10 prevailing wage rate including basic hourly rate and any fringe benefits determined
11 under State law shall be inapplicable to a contract or PHA performed work item for the
12 development, maintenance, and modernization of a project; and

13 WHEREAS, the wage rate is determined by the Secretary of Labor pursuant to
14 the Davis-Bacon Act to be prevailing in the locality with respect to such trade is
15 subject to; and

16 WHEREAS, the Parties wish to amend the DDA and replace State prevailing
17 wage requirements with Davis-Bacon Act wage requirements pursuant to Title 24,
18 Code of Federal Regulations 965.101(a).

19 NOW, THEREFORE, in consideration of the foregoing, and the promises and
20 mutual covenants and conditions hereinafter set forth, the Parties do hereby agree as
21 follows:

22 1. **Section 17** of the DDA is deleted and replaced in its entirety with the following:

23 The Project will be constructed in compliance with Davis-Bacon Act wage
24 requirements pursuant to Title 24, Code of Federal Regulations 965.101(a).

25 2. This First Amendment and the DDA set forth and contain the entire
26 understanding and agreement of the parties hereto. There are no oral or written
27 representations, understandings, or ancillary covenants, undertakings or
28 agreements, which are not contained or expressly referred to within this First

1 Amendment and the DDA.

2 3. All other terms and conditions of the DDA remain unmodified and in full force
3 and effect.

4 4. This First Amendment may be signed by the different parties hereto in
5 counterparts, each of which shall be an original, but all of which together shall
6 constitute one and the same agreement.

7 5. The effective date of this First Amendment is the date the parties execute this
8 First Amendment. If the parties execute this First Amendment on more than one
9 date, then the last date this First Amendment is executed by a party shall be the
10 Effective Date.

11 6. This First Amendment is not binding until approved by the respective Boards.

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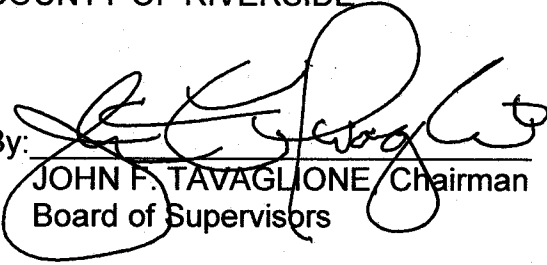
1 IN WITNESS WHEREOF, the Parties have executed this First Amendment as of
2 the date first above written.

3
4 COUNTY:

DEVELOPER:

5 COUNTY OF RIVERSIDE

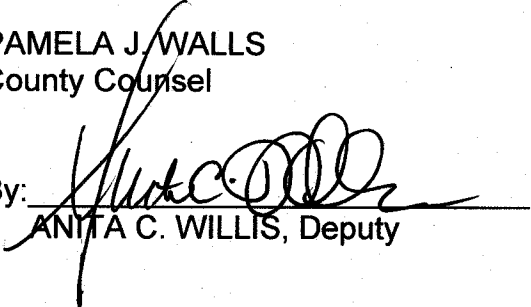
HOUSING AUTHORITY OF THE
6 COUNTY OF RIVERSIDE

7
8 By: 
9 JOHN F. TAVAGLIONE, Chairman
Board of Supervisors

By: 
JOHN F. TAVAGLIONE, Chairman
Board of Commissioners

10
11 APPROVED AS TO FORM:

12 PAMELA J. WALLS
13 County Counsel

14
15 By: 
16 ANITA C. WILLIS, Deputy

17 ATTEST:
18 KECIA HARPER-IHEM
19 Clerk of the Board

20 By: 
21 Deputy

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23
24 (Signatures need to be notarized)

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

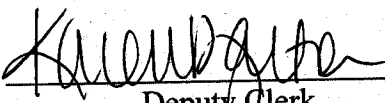
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On June 26, 2012, before me, Karen Barton, Board Assistant, personally appeared John Tavaglione, Chairman of the Housing Authority Board of Commissioners, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument; and that a copy of this paper, document or instrument has been delivered to the chairperson.

I certify under the penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Kecia Harper-Ihem
Clerk of the Board of Supervisors

By: 
Deputy Clerk

(SEAL)

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

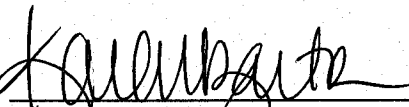
} §

On June 26, 2012, before me, Karen Barton, Board Assistant, personally appeared John Tavaglione, Chairman of the Successor Agency to the Redevelopment Agency Board of Directors, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument; and that a copy of this paper, document or instrument has been delivered to the chairperson.

I certify under the penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Kecia Harper-Ihem
Clerk of the Board of Supervisors

By 
Deputy Clerk

(SEAL)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA }

COUNTY OF _____ }

On _____, before me, _____
Date Here Insert Name and Title of the Officer

personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature _____
Signature of Notary Public

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA }

COUNTY OF _____ }

On _____, before me, _____
Date Here Insert Name and Title of the Officer

personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature _____
Signature of Notary Public